

*IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
NORTHERN DIVISION AT KNOXVILLE*

IN RE:

**ROBIN S. ADKINS,**

Debtor.

Case No. **3:15-bk-32116-SHB**  
Chapter 7

**TRUSTEE'S APPLICATION TO EMPLOY COUNSEL**

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to E. D. Tenn. LBR 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at Howard H. Baker, Jr. U.S. Courthouse, 800 Market Street, Suite 330, Knoxville, TN 37902, an objection within 21 days from the date this paper was filed and serve a copy on the movants' attorney, Michael H. Fitzpatrick, Esquire, Quist, Cone & Fisher, PLLC, 2121 First Tennessee Plaza, Knoxville, TN 37929-9711, or mhf@qcflaw.com. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

Comes Michael H. Fitzpatrick, Trustee, pursuant to 11 U.S.C. §327(a), Fed. R. Bankr. P. 2014 and E.D. Tenn. LBR 9013-1(h)(1)(xiv), and moves the Court for authority to employ counsel as follows:

1. The Debtor filed a voluntary Chapter 7 on July 8, 2015 and movant was appointed Trustee of the estate and is now acting as said Trustee in the Chapter 7 Case.
2. The Trustee wishes to employ attorney as counsel to deal with all issues arising from the trust deed of the debtor on real property identified in the trust deed as Lot 42 (an unimproved lot) and the creditor's claim in should be Lot 41 (the debtor's home) and all other legal needs of the estate.
3. The Trustee seeks authorization to employ Ryan E. Jarrard and the firm of Quist, Cone & Fisher, PLLC. The said attorneys do not hold any interest adverse to the estate and are disinterested persons within the meaning of 11 U.S.C. §101(14).
4. The Trustee proposes to employ said attorneys at an hourly rate, as part of counsel's affidavit, attached hereto and incorporated herein by reference, and such expenses as may be

allowed by the Court in accordance with the standard promulgated by the U.S. Trustee's Office, with the total amount of the compensation and expenses to be fixed and determined by the Court upon proper application at the conclusion of the attorneys' services.

5. The Trustee is entitled to employ an attorney, with Court approval, pursuant to 11 U.S.C. §327(a).

6. There is no application for a post-petition retainer. There are no actual or potential conflicts of interest. There are no other facts which would preclude retention of counsel.

**WHEREFORE**, the undersigned prays that he be authorized to employ the aforesaid attorneys under the terms and conditions set forth, *nunc pro tunc* to the date this application is filed.

Respectfully submitted,

/s/ Michael H. Fitzpatrick

Michael H. Fitzpatrick, Trustee

BPR No. 006033

**Quist, Cone & Fisher, PLLC**

2121 First Tennessee Plaza

800 South Gay Street

Knoxville, TN 37929-9711

(865) 524-1873 ext. 222

MHF@QCFLaw.com

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Trustee's Application to Employ Counsel, Affidavit of Professional Person and proposed Order have been served upon the indicated parties by placing a copy thereof in the U.S. Mail, first class postage prepaid, via email or ECF this September 1, 2015:

Office of the U.S. Trustee  
VIA ECF

Cynthia T. Lawson, ESQ  
VIA ECF

All Parties in Interest on the attached list

/s/ Michael H. Fitzpatrick  
ATTORNEY

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**AFFIDAVIT OF PROFESSIONAL PERSON**

STATE OF TENNESSEE  
COUNTY OF KNOX

PERSONALLY appeared before the undersigned authority, Ryan E. Jarrard, with whom I am personally acquainted, and who, after being duly sworn in accordance with law, made oath as follows:

1. Ryan E. Jarrard is a duly licensed attorney before the Courts of the State of Tennessee and this Court.
2. Affiant has reviewed the case file of the above estate. Affiant qualifies to serve as counsel for the trustee of this estate.
3. Affiant and the members of his law firm are familiar with the requirements of 11 U.S.C. §101(14) defining disinterested persons. Affiant and the members of his firm do not hold or represent any interest adverse to the estate as defined therein.
4. Affiant has reviewed the legal needs of the estate. Affiant and the members of his firm are qualified to perform the services. Affiant and the firm of Quist, Cone & Fisher, PLLC are willing to perform the services on an hourly basis as reflected on the attached page together with the costs recoverable under the guidelines of the U.S. Trustee's Office. The listed rates are the same which are charged for non-bankruptcy clients for files assigned through Ryan E. Jarrard. Lesser amounts are charged for insurance defense clients.

Respectfully submitted,



RYAN E. JARRARD  
BPR No. 024525  
2121 First Tennessee Plaza  
Knoxville, TN 37929  
(865)524-1873

Sworn to and subscribed before me this August 25, 2015, at office in Knoxville,  
Tennessee.



Notary Public

My Commission Expires: 09/29/2018



<u>NAME</u>	<u>ADMISSION DATE</u>	<u>HOURLY RATE</u>
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PARTNERS:

Michael H. Fitzpatrick	1978	\$ 275.00
Brian C. Quist	1987	\$ 250.00
James C. (Chris) Cone	1991	\$ 250.00
Jason E. Fisher	2001	\$ 225.00
Joanna R. O'Hagan	2006	\$ 150.00
Ryan E. Jarrard	2005	\$ 150.00

ASSOCIATES:

Dustin Crouse	2011	\$ 120.00
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PARAPROFESSIONALS:

David Hughes		\$ 15.00
Clerks		\$ 15.00

[Any future employee in this  
category will be billed at  
this rate]